

packages properly branded to show the correct weight of the contents thereof. On February 2 a motion to vacate the order of sale and to permit the destruction of the product was filed, which motion was allowed and a warrant to destroy or sell the said product was issued.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10286. Misbranding of Castalian water. U. S. * * * v. 8 Dozen Bottles * * * of * * * Castalian Cal. Nat. Min. Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15650. I. S. No. 5534-t. S. No. E-3681.)

On December 12, 1921, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 8 dozen bottles of a product labeled "Castalian Cal. Nat. Min. Water," remaining unsold at Melrose, Mass., alleging that the article had been shipped by Ralph Smith, Santa Cruz, Calif., on or about October 7, 1921, and transported from the State of California into the State of Massachusetts, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) "Castalian Cal. Nat. Min. Water * * * Rheumatism, Dyspepsia, Skin Diseases, Stomach Troubles to Purify the Blood, * * * Kidney Complaints, Gravel and all other Urinary Troubles, * * * Sore Throat * * *"; (wrapper) "* * * Kidney and Stomach Disorders Catarrh and Impure Blood * * *"; (circular) "* * * Bright's Disease and other Kidney and Urinary Troubles, Rheumatism, Dyspepsia, Indigestion, Biliousness, and other stomach disorders, Catarrh, Scrofula, Quinsy, Tonsilitis, Diphtheria, Sore Throat from colds, Hay Fever, Chills and Fever, Varicose Veins, Diarrhoea, Inflammation, internal or external; Ulcerations, Leucorrhoea, Boils, Eczema, Salt Rheum and other skin diseases, Blood Poisoning, Poison Oak or Ivy, Sprains, Bruises, Burns and Cuts. Inflammatory Rheumatism, Lumbago, * * * Ulcers, Piles, Fever Sores, Abscesses, * * * Pleurisy, Erysipelas, * * * Gout, La Grippe, * * * Granulated Eyelids. Cold in the Head * * * Sick Headache, * * * Torpid Liver, * * * Sea Sickness, Cramps of the Stomach, * * * Retention of Urine, Diabetes, Private Diseases. * * * Bronchitis, * * * Scalds, * * * Sun Burn, * * * Cramps, Colic, Rash or Hives, * * * Catarrh of the Head, Stomach or Bladder, * * * Inflammation of Womb * * * Suppressed, Profuse or Painful Menstruations * * *"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the dissolved mineral constituents were chiefly the chlorid, sulphate, carbonate, and bicarbonate of sodium.

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements appearing on the bottle labels and wrappers and in the circular packed with the said product, regarding the curative and therapeutic effects of the said article, were false and fraudulent in that the said article did not contain any ingredient or combination of ingredients capable of producing the effects claimed.

On February 16, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10287. Adulteration of concentrated tomato. U. S. * * * v. 5 Cases * * * of Concentrated Tomato. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15652. I. S. No. 5538-t. S. No. E-3713.)

On December 30, 1921, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 cases, each containing 200 tins, of concentrated tomato, remaining unsold in the original unbroken packages at Worcester, Mass., alleging that the article had been shipped by Thomas Page, Albion, N. Y., on or about September 24, 1921, and transported from the State of New York into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Mt. Etna Brand Concentrated Tomato Stabelimento Di Conserva Alimentoria Napoli Style * * *"

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On February 16, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10288. Adulteration and misbranding of salad oil. U. S. * * * v. 14 Gallons of Salad Oil, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 15904, 15905, 15906. I. S. Nos. 5535-t, 5536-t, 5537-t. S. No. E-3718.)

On December 20, 1921, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 44 gallons of salad oil, in part at Springfield and in part at Westfield, Mass., consigned on or about August 25, 1921, alleging that the article had been shipped by Nicholas Sadaka, New York, N. Y., and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part, "Finest Quality Table Oil Termini Imerese Type Net Contents One Gallon Cotton Seed Salad Oil Slightly Flavored with Olive Oil * * *." The remainder of the article was labeled in part, "Puritana Brand Olio Oliva Vergine Italy Lucca Toscana Contents 1 Gallon * * *"

Adulteration of the article was alleged in substance in the libels for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to alter or injuriously affect its quality and strength and had been substituted wholly or in part for the said article, and for the further reason that the said substance had been mixed therewith in a manner whereby damage or inferiority was concealed.

Misbranding was alleged in substance for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages; for the further reason that the packages or labels bore statements, designs, or devices, respectively, regarding the said article and the ingredients or substances contained therein, which were false and misleading and deceived and misled the purchaser; for the further reason that the said article was an imitation of, or offered for sale under the distinctive name of, another article, to wit, salad oil; and for the further reason that it purported to be a foreign product and contained a false statement on the label thereof as to the country in which it was manufactured or produced.

On February 16, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10289. Adulteration of scallops. U. S. * * * v. 20 Barrels of Scallops, et al. Default decrees of condemnation and forfeiture entered with respect to a portion of the product, and 3 boxes and 8 one-gallon cans ordered destroyed, and 5 barrels, 1 box, and 19 one-gallon cans ordered delivered to the Salvation Army. Consent decrees of condemnation and forfeiture entered with respect to the remainder of the product, and one case ordered destroyed and 22 barrels ordered delivered to the Salvation Army. (F. & D. Nos. 15907, 15908, 15909, 15883, 15884, 15885, 15886, 15887, 15888, 15889, 15890, 15891. S. Nos. E-3701, E-3702, E-3703, E-3704, E-3705, E-3709, E-3711, E-3715, E-3716, E-3717, E-3719, E-3743.)

On December 12, 13, 14, 15, 16, 19, and 21, 1921, respectively, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 27 barrels, 5 cases, and 27 one-gallon cans of scallops, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Wallace M. Quinn Co., Piner Bros., M. S. Lee, and Woodland & Co., of Morehead City, N. C., and M. C. Holland, of Beaufort, N. C., respectively, between the dates December 12 and 19, 1921, and transported from the State of North Carolina into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libels for the reason that a substance, water, had been mixed and packed with and substituted in part for scallops.

On January 2, 6, and 9, 1922, respectively, no claimant having appeared for a portion of the property, judgments of condemnation and forfeiture were